IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 12663 of 2006(G)

OS.100/2006 OF MUNSIFF COURT,KATTAPPANA
.....

PETITIONER:

SAJI PHILIP, S/O. PHILIP,
KADOOKKUNNEL HOUSE, KATTAPPANA KARA,
(NEAR SMALL SCALE INDUSTRIAL ESTATE),
KOCHUTHOVALA ROAD, KATTAPPANA VILLAGE.

BY ADV. SMT.M.K.PUSHPALATHA
SRI.MANOJ B.MENON

RESPONDENTS:
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1. **VIDHYA T.R.,**
D/O. RAVEENDRANADHAN,
THAIKOOTTATHIL HOUSE, MATTUKKATTA,
AYYAPPANCOIL VILLAGE.

2. **BIJU P.T.,**
PUTHENPARAMBIL HOUSE,
BAIJU AUTO CARRIAGE, MATTUKKATTA,
AYYAPPANCOIL VILLAGE.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12663/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RENTAL AGREEMENT EXECUTED BY THE PETITIONER DT. 25/4/03.

EXT.P2. COPY OF THE LICENCE BY ASST. EXCISE COMMISSIONER, IDUKKI.

EXT.P3. COPY OF THE INJUNCTION ORDER BY THE MUNSIFF COURT, KATTAPPANA DT. 7/4/06.

EXT.P4. COPY OF THE CERTIFICATE BY AYYAPPANCOIL GRAMA PANCHAYATH DT. 25/2/2006.

True copy

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PIUS C. KURIAKOSE,J.

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W.P.(C) No.12663 of 2006

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Dated: 28th June, 2007

JUDGMENT

In this Writ Petition under Article 227 of the Constitution the defendant in a suit for injunction impugns an order of ex parte injunction passed by the trial court. Even though a stay was asked for in respect of the operation of the impugned injunction order, this court was not inclined to grant the same. In all probability the Writ Petition has become infructuous. At any rate, the remedy open to the petitioner was to enter appearance before the court below filing counter affidavit in the application and to facilitate a decision on the injunction application on its merits. The petitioner could have also preferred an appeal to the District Court if she was of the opinion that the ex parte order of injunction was totally unreasonable. Either way the Writ Petition under Article 227 of the Constitution is not maintainable and the same is dismissed.

srd **PIUS C.KURIAKOSE, JUDGE**